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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of:

Todd SEELEY

Serial No. 10/084,700

Filed: February 27, 2002

) Group Art Unit: 1636  
)  
)  
Examiner: Sumesh Kaushal  
)  
)  
Atty. Dkt. No. PP-10406.004

For: **HUBUB3 GENE INVOLVED IN HUMAN CANCERS**

**COMMUNICATION**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This is filed in response to an office communication mailed December 3, 2004. The communication provided Applicant with two months to provide a showing of prior invention under 37 C.F.R. § 41.202(d) with respect to claim 26 of U.S. Patent 6,593,098.

Applicant has been working industriously to prepare the showing and previously filed a request for an extension of time with a showing of good cause under 37 C.F.R. § 1.136(b). Applicant has not yet received written confirmation, but both Examiner Amy Nelson and Examiner Anthony Caputo assured Applicant's representative that the request for the two month extension will be granted. Applicant therefore is not filing the showing today. This paper is being filed to make it clear on the record that Applicant has no intention of abandoning this application or the claimed subject matter.

We believe no fee is due in connection with this paper. If a fee is due, please charge our Deposit Account No. 19-0733.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date: February 3, 2005

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